## UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE COLUMBIA DIVISION

)	
)	
)	
)	Case No. 3:12-cv-1284
)	Judge Aleta A. Trauger
)	
)	
)	
)	
)	
	) ) ) ) ) ) ) )

## **ORDER**

For the reasons stated in the accompanying Memorandum, the court hereby finds as follows:

- The Partial Motion to Dismiss (Docket No. 60) is GRANTED. Officer Strickling's Motion to Dismiss (Docket No. 58) is GRANTED IN PART and DENIED IN PART.
- The following claims and/or theories of liability are **DISMISSED**: (1) "whistleblower retaliation" and "prior restraint" claims (*see* SAC Count I, ¶ 67); (2) claims premised on Tenn. Code Ann. § 8-8-302 (*see id.*); and (3) claims for negligence/gross negligence (SAC Count VI).
- All claims against Officers Eby and Starling are **DISMISSED**.
- The following claims against Officer Pirtle are **DISMISSED**: (1) the § 1983 entrapment claim, (2) the § 1983 claim to the extent it is based on racially motivated conduct, and (3) the Tennessee malicious harassment claim. To the extent not otherwise addressed in this Order, the remaining claims against Officer Pirtle will proceed.
- The following claims against Officer Read are **DISMISSED**: (1) the § 1983 claim to the extent it is premised on racially motivated conduct; (2) the § 1983 excessive force claim; (3) the Tennessee malicious harassment claim; and (4) the Tennessee assault and battery claim. To the extent not otherwise addressed in this Order, the remaining claims against Officer

Read will proceed.

• The following claims against Officer Strickling will proceed: (1) claims under § 1983 concerning (a) the removal/confiscation of Ronrico's cell phone video and (b) the November 2012 incident; and (2) the associated Tennessee outrageous conduct claim. All other claims against Officer Strickling are **DISMISSED**.

It is so **ORDERED**.

Enter this 24<sup>th</sup> day of September 2013.

ALETA A. TRAUGER

United States District Judge